

March 8, 1973

Mr. Angus M. Thuermer
Ass't to Director
Central Intelligence Agency
Washington, D.C. 20505.

Dear Mr. Thuermer:

This is an appeal to the Central Intelligence Agency Information Review Committee for review and reversal of the prior decision of CIA rejecting, per your letter of Sept. 25, 1972, our request for review and declassification of basic documents relating to the Bay of Pigs episode.

In the letter referred to you state that Executive Order 11652 and the National Security Council directive implementing it "make it clear that they refer to specific documents, not broad access to the records", etc. You state that in this respect our request does not fulfill the requirement of sufficient particularity to fall within the Executive Order.

Your letter states as a further reason for rejecting our request that the documents on the Bay of Pigs include "references to or reflections of intelligence sources which could be jeopardized by release of these documents". The letter acknowledges, at the same time, these references or reflections are intertwined in individual documents with material which has been or could be exposed to public notice without adverse effect, "but editing or segregating the two so as not to jeopardize intelligence sources and methods is simply not feasible".

It is submitted in support of this appeal that the two reasons given amount, taken together, to a massive quibble.

It should be obvious that identification of specific documents could be made only by employees of CIA, the NSC or the Departments of Defense and State. Merely to cite a lack of particularity in a request for material bearing on the Bay of Pigs is to seize a technicality to frustrate the Executive Order and ignore the accompanying statement by the President.

Similarly, to argue that editing or segregating the two types of documents is "not feasible" amounts, we submit, to placing CIA in a sacrosanct area above and beyond the purview of the Executive Order.

It is the view of this newspaper that anything is "feasible", even necessary that is required to give effect to the clear intent of the President's declassification order. It is either that or the order and accompanying statement were an empty gesture. So-called "sanitized versions" of sometimes confidential papers or testimony of administrative officials are nothing new. Hence the question: Why cannot CIA sufficiently sanitize the Bay of Pigs documents to protect intelligence sources and methods? To say that this is "not feasible" sounds very much like "too much trouble".

If this is, indeed, the fact, then in our view nothing is too much trouble to carry out the stated purpose of the Executive Order.

Your letter concludes with the statement that the Department of Defense agrees with CIA that the JCS documents setting forth the comments of the Joint Chiefs of Staff on the Bay of Pigs operation cannot be released. You assign no reason for this. And since it could hardly be for lack of particularity or that it would jeopardize intelligence sources and methods, a statement of the reason for this is requested and made part of this appeal.

A reply is respectfully requested at Review Committee's earliest convenience.

Sincerely


Felix Belair, Jr.

WASHINGTON BUREAU
1920 L STREET, N.W.
WASHINGTON, D.C. 20036
(202) 293-3100

August 9, 1972.

Mr. Angus N. Thuermmer
Ass't to Director
Central Intelligence Agency
Washington D.C. 20505.

Dear Mr. Thuermmer:

Please consider this a request for review and declassification of the "basic collection of documents" on the Bay of Pigs operation referred to in the attached from the Department of Defense.

We had asked DoD initially for the JCS papers on the operation together with resulting discussions in the National Security Council. N.S.C. has advised that it is now trying to locate the discussion material in its files. The operation commenced, according to the N.Y. Times Index on April 16, 1961.

I hope this request can be placed ahead of others submitted by us inasmuch as the note from Mr. Nash suggests that the material already has been assembled in a "collection".

Meanwhile, be assured of our appreciation of your efforts in our behalf.

Sincerely,

Felix Belair, Jr.
Felix Belair, Jr.

10 Aug 72

10 August 1972

Mr. Felix Belair
The New York Times
Washington Bureau
1920 L Street, N. W.
Washington, D. C. 20036

Dear Mr. Belair,

The note you mentioned on the telephone yesterday dated August 9 is now at hand. I am routing it on to the proper parties and I am sure they will give it expeditious handling.

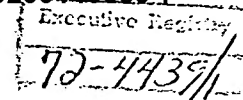
Sincerely,

/s/ Angus MacLean Thuermer

Angus MacLean Thuermer
Assistant to the Director

The New York Times

WASHINGTON BUREAU
1920 L STREET, N.W.
WASHINGTON, D.C. 20036
(202) 293-3100



Sept. 6, 1972

Mr. Angus M. Thuermer
Ass't to the Director
Central Intelligence Agency
Washington, D.C. 20505.

Dear Mr. Thuermer:

Much as I dislike to prod busy officials, there is a lot of pressure on this end for a reponse to my request of August 9 for the "basic collection of documents" on the Bay of Pigs operation.

You were good enough to advise by letter the next day that the request was being routed to the proper authorities and that they would "give it expeditious handling".

It will be recalled that this request grew out of one submitted to the Pentagon for the JCS papers on the Bay of Pigs. These were located and a review initiated only to be aborted when it was discovered that they had been made a part of the "collected papers" on the operation and placed under control of CIA.

Without anticipating a decision on this request but to save time I submit a corollary question. In event of a finding that the collected papers are to remain classified will CIA make available the JCS papers or determine jointly with the Department of Defense whether they can be made available to us.

As I advised in our most recent telephone conversation, I am curious to know which of our requests to CIA, if any, are still under consideration.

In any case, the inquiry on the Bay of Pigs papers is in the nature of a "last gasp". The feeling here is that we have devoted enough time and effort to the declassification project. What we urgently require is a yes or no response to the Bay of Pigs papers or that part of them originated by the JCS.

Sincerely,

Felix Belair, Jr.
Felix Belair, Jr.

25 September 1972

I

Mr. Felix Belair, Jr.
The New York Times
1920 L Street, N. W.
Washington, D. C. 20036

Dear Mr. Belair:

Your requests of 9 August and 6 September for the declassification and release of the "basic collection" of documents on the Bay of Pigs operation have been carefully considered. We do not hold a specific group of documents formally identified as the "basic collection"; obviously, we do hold a large volume of documents relating to the event. A review of Executive Order 11652 and the National Security Council Directive implementing it makes clear, however, that they refer to requests for identifiable specific documents, not broad access to the records of all aspects of a major event such as the Bay of Pigs. We conclude that your request does not fulfill the requirement of sufficient particularity to fall within the Executive Order.

We have a further reason for being unable to respond to your request. The Executive Order contemplates in Section 5 several bases for continued classification. One of these recognizes the statutory responsibility of the Director of Central Intelligence to protect intelligence sources and methods. Included in the Agency's documents relating to the Bay of Pigs are a large number of references to or reflections of intelligence sources and methods which could be jeopardized by release of these documents. These references or reflections are intertwined in individual documents with material which possibly has been or could be exposed to public notice without adverse effect, but editing or segregating the two so as not to jeopardize intelligence sources and methods is simply not feasible.

25 Sep 72

Thus, to protect intelligence sources and methods, we again find it impossible to comply with your request.

We have consulted with the Department of Defense. We jointly agree that the JCS documents cannot be released.

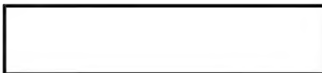
Sincerely,

/s/ Angus MacLean Thuerner

Angus MacLean Thuerner
Assistant to the Director

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